

# **EXHIBIT 1**



2 of 2 DOCUMENTS

**FACEBOOK, INC., Plaintiff, v. ADAM GUERBUEZ; ATLANTIS BLUE CAPITAL; AND DOES 1-25, Defendants.**

**Case No. C08 03889 JF HRL**

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

**2008 U.S. Dist. LEXIS 108921**

**November 21, 2008, Decided  
November 21, 2008, Filed**

**SUBSEQUENT HISTORY:** Dismissed without prejudice by, Judgment entered by *Facebook, Inc. v. Guerbuez*, 2008 U.S. Dist. LEXIS 108924 (N.D. Cal., Dec. 9, 2008)

**COUNSEL:** [\*1] I. NEEL CHATTERJEE (STATE BAR NO. 173985), P. WAYNE HALE (STATE BAR NO. 221492), ORRICK, HERRINGTON & SUTCLIFFE LLP, Menlo Park, CA; THOMAS J. GRAY(STATE BAR NO. 191411), ORRICK, HERRINGTON & SUTCLIFFE LLP, Irvine, CA, Attorneys for Plaintiff, FACEBOOK, INC.

**JUDGES:** Honorable Jeremy Fogel, United States District Judge.

**OPINION BY:** Jeremy Fogel

**OPINION**

**ORDER GRANTING FACEBOOK, INC.'S APPLICATION FOR DEFAULT JUDGMENT BY COURT AGAINST ADAM GUERBUEZ AND ATLANTIS BLUE CAPITAL**

Plaintiff Facebook, Inc.'s ("Facebook") Application For Default Judgment Against Defendants Adam Guerbuez and Atlantis Blue Capital came before the Court on 11/21/08, in Courtroom 3, the Honorable Jeremy Fogel presiding. Having reviewed the moving and opposing papers and supporting declarations filed with the Court, and having heard the arguments of counsel,

IT IS HEREBY ORDERED THAT:

Default judgments are entered against defendants Adam Guerbuez and Atlantis Blue Capital as follows:

Statutory damages in the amount of \$ 436,638,600 against Adam Guerbuez and Atlantis Blue Capital, jointly and severally, for violations of the CAN-SPAM Act.

Aggravated Statutory damages in the amount of \$ 436,638,600 against Adam Guerbuez and Atlantis Blue Capital, jointly [\*2] and severally, for aggravated violations of the CAN-SPAM Act.

Reasonable attorneys fees pursuant to the CAN-SPAM Act, § 7706(g)(4) in an amount to be established through declarations complying with Local Rule 54-6(b)(2) and (b)(3), to be filed with the Court no later than 12/12/08; plus costs of suit.

A permanent injunction against defendants, as follows:

The Court ENJOINS defendants Adam Guerbuez and Atlantis Blue Capital and their agents, servants, employees, attorneys, affiliates, distributors, successors and assigns, and any other persons acting in concert or participation with them from:

a. Using or accessing, whether directly or indirectly, Facebook's data, information, computers, computers systems, computer networks, or Facebook users' accounts, information or profiles for any reason whatsoever;

b. assisting or inducing others to use or access, whether directly or indirectly, Facebook's data, information, computers, computers systems, computer networks,

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or Facebook users' accounts, information or profiles for commercial purposes or to send commercial messages;

c. accessing the physical property, structures or buildings of Facebook or Facebook's employees;

d. retaining, using, accessing, [\*3] collecting, compiling, retrieving or disclosing, whether directly or indirectly, Facebook's data or information, or Facebook users' accounts, information or profiles;

e. assisting or inducing others to retain, use, access, collect, compile, retrieve, or disclose, whether directly or indirectly, Facebook's data or information, or Facebook users' accounts, information or profiles;

f. using Facebook's computers, computers systems, computer networks or Facebook users' accounts, information or profiles to send, directly or indirectly, com-

mercial emails, Wall post bulletins, or messages of any kind;

g. creating, maintaining or using a Facebook account or profile;

h. using any Facebook trademark or logo, or any design or feature that is intended to resemble a Facebook trademark or logo; and

i. violating, or assisting or inducing others to violate, Facebook's Terms of Use.

IT IS SO ORDERED.

Dated: 11/21/08, 2008

Honorable Jeremy Fogel

United States District Judge

Northern District of California

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\*\*\*\*\* Print Completed \*\*\*\*\*

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